

Los Angeles Herald

THE DAILY AND WEEKLY HERALD has more than double the circulation of any other paper published in Southern California. Business men recognize it accordingly as the best advertising medium South of San Francisco.

WEDNESDAY, FEB. 23, 1876.

NEWS OF THE MORNING.

No business was done in San Francisco on commercial or manufacturing circles yesterday. Hunting and picnic parties were popular, and the places of amusement were all crowded. The military companies paraded, and the militia were reviewed by Major General Vernon.

The Lady Blessington from San Francisco has arrived at Queenstown.

The Chicago Board of Trade are about erecting a \$400,000 building.

General Miller, president of the Alaska company, arrived in Washington from San Francisco yesterday. The occasion of his visit he says is to demand a full and complete investigation of the affairs of the company, which he represents in order that the public may be satisfied that affairs are honestly conducted and that they are as honestly entitled to its privileges.

Representative Piper introduced his new omnibus bill yesterday. It provides for the repeal of the legal tender act affecting trade dollar, by striking out of the coinage act and providing for new silver dollar of the same fineness as half dollar, making it a legal tender for twenty dollars. Legal tender for half dollars is fixed at ten dollars. Senator Sargent introduced the same bill in the Senate at the request of Piper.

Representative Piper says he has not yet received any petition for the construction of a fog signal at Farrallones Islands, off San Francisco.

To-day's news from Paris says the Republican triumph is secure and the Radical section predominates. The Buffet minister has resigned and M. Dufaure is forming a new Cabinet.

Mr. Jencks from the Committee of Pensions in the National House of Representatives as reported a bill to transfer the Pension Bureau to the War Department. The bill was ordered printed and recommitted.

Bill reported favorably from the Senate Military Committee yesterday provides that the time for filing claims for pension shall be under the act of July 28th, 1868 shall be extended until January 30th, 1877 and all such claims filed since January 20th, 1875 shall be considered and decided without retelling.

Latest reports from the French elections say the Chamber of Deputies will stand 280 Republicans, 100 Bonapartists, 100 Catholics, 100 Alphonse and 23 cannon at Estella. The Carlists sacked the city before evacuating.

Francis D. Moulton yesterday sent a letter to Dr. Bacon, moderator of the Advisory Council saying he had not supposed that the body was competent to determine the question of guilt or innocence. At Boston, but he might possibly be mistaken. He merely wishes to notify the Council that he is prepared to prove to H. W. Beecher guilty of adultery and perjury by evidence both oral and documentary or if he fails to do so is willing to be denounced and discredited by all mankind. The Advisory Council remained in session until ten o'clock to-night when they adjourned.

Great excitement exists among the Protestants of Quebec over the fact that Father O'Connor, a Catholic priest, visited all the national schools and then vented a tirade against Protestantism. A former letter was sent to the Bishop asking him whether the priest has done this on his own responsibility or if he was sent as an emissary of the church. The reply is looked for with great interest.

The Australian mail via San Francisco for Great Britain, consisting of 182 bags arrived at the post office of New York by a fast mail train Sunday morning. They will be detained until Wednesday when they will be dispatched by the Java.

The Gulon steamer Wyoming leaves to-day in compliance with the demands of the British Postmaster. General mails are to be kept for a steamer of either the Cunard, White Star or the Inman line.

Mr. Cook's proposed amendment to the Constitution, provides that in no case shall Congress make appropriations exceeding the annual estimate.

There is a rumor in political circles of a sharp passage of words recently between President Grant and Senator Wilson. The latter has had a good deal to do with the framing of the indictments in the whiskey cases and shortly after Babeek's indictment he called upon the President and as the story goes made a remark that offended the President, when the latter in the course of the remarks is reported to have expressed himself as highly offended. This conversation was, it is asserted reported to Secretary Bristow at once and Mr. Wilson added that under the circumstances he did not see how he could do otherwise than resign at once. Secretary Bristow is it reported requested Mr. Wilson not to be hasty and intimating that if he would wait until the whiskey trials were over he would very likely have company in his retirement from office.

General Crook, accompanied by Colonel Stanton and Lieutenant Bourke, will leave Cheyenne today for Fort Fetterman, from which post a large force of cavalry under command of General and Senator Wilson. The entire force is to move northward from Fetterman, but for what purpose is not yet known.

Large parties are arriving from the East on a West and departing for the Black Hills a day.

The Express says the irrigation bill introduced by McConnell was printed in its columns. This confirms our statement that if the bill was ever printed at all it was in some obscure sheet that nobody reads.

Mr. Spence, one of Temple & Workman's assignees, says they have no attorneys employed.—*Republican*.

If Mr. SPENCE is telling the truth, what means all the papers filed bearing the signature of eight or ten lawyers as attorneys for the assignees?

An Awkward Position.

Some week ago the Express of this city contained an editorial article taking the ground that if the patent to the Lomas de Santiago grant was fraudulent, as alleged, it should be set aside and the land permitted to revert to the government. The HERALD endorsed the position of its cotemporary, and stated that there were a number of other grants in this country that had been largely expanded beyond the original claim, and each would receive the same attention that the Express desired should be bestowed upon the Lomas de Santiago. Among these we mentioned the San Vicente, which it is said has been inflated from two to five leagues. This alarmed the

evening work machine. It was all right to break up the Lomas de Santiago, but to investigate the San Vicente was quite another thing. Senator JONES was interested in that ranch, and his claim to anything must not be disputed or questioned. His organ changed its tactics and proceeded to denounce the HERALD as a disturber of titles. From that day to this it has made virulent onslaughts on the Southern Pacific Railroad Company for daring to question the validity of a title which Secretary CHANDLER affirms bears every evidence of fraud. It is to be regretted that the Santa Monica organ committed itself in its Lomas de Santiago article. Had it been aware that the San Vicente was in the same boat it would undoubtedly have escaped the awkward position in which it now stands on the title question. The cry that it is wrong to disturb titles is false and hypocritical. If titles are sound nothing can or will disturb them. If they are fraudulent the sooner they are disturbed and made sound the better for the people and the country. These investigations will come some day. Is it not better that evil and wrong should be removed at once?

A Comparative Statement.

A great deal of special pleading has been done in favor of leaving the estate of TEMPLE & WORKMAN, for settlement, in the hands of the assignees selected by the firm. That these arguments are but special pleadings made by those who are indebted to the creditors of the bank, and made for the sole purpose of avoiding settlement, we have heretofore shown. The HERALD has maintained that, aside from peculation and unfair dealing, the assignee process was far more expensive and protracted than that of the bankruptcy court, and now we propose to prove the correctness of our position by a comparative statement of the cost of the two methods of settling an estate. Under the Bankrupt Law, (see section 47 of amended Bankrupt Law), the clerk of the United States District Court takes such reasonable fees as are allowed by law or the order of the court. The Register is allowed:

For the warrant.....	\$2.00
For each day on which a meeting of creditors is held.....	3.00
For every order for a dividend.....	3.00
For every order of court.....	3.00
For every bond or security.....	2.00

The marshal or messenger is entitled to \$2 for serving a warrant and five cents per mile each way as traveling expenses. Also ten cents for each notice to a creditor. In all cases of bankruptcy the creditors or a majority of them appoint the assignee to take charge of the estate, collect the debts, sell the property and pay dividends to the creditors. He is required to give a bond with securities approved by the court. He is constantly subject to the jurisdiction and order of the court. He must sell all property at public sale, and in such way and manner as the Court directs, in order to realize therefrom the greatest amount of money for the creditors, and all his acts are subject to the revision of the Court. He is not allowed to sell property at private sale, because private sales, if allowed by law, would often be productive of fraud and injury to creditors. Assignees in bankruptcy are allowed the following fees:

Commission on all sums received and paid out not exceeding \$1,000.....	5 per cent.
On all sums not exceeding \$5,000.....	2 1/2 "
On all sums over \$5,000.....	2 "

Under the bankrupt law the assignee has a right to employ at reasonable compensation a competent lawyer to advise and assist him in the prosecution of suits, or in defending a claim against him. But in no case would the Court permit him to employ eight or ten lawyers to eat out the heart of the estate and leave the shell for the creditors.

We now turn to the other process—the one by which it is sought to melt away the estate of TEMPLE & WORKMAN, and leave the deceived and wronged creditors as poor as if the bank had been without a shadow of assets. Under the Code the assignees are not under the order or jurisdiction of any Court. They can sell property at public or private sale and at such prices as they see fit. They have free and full liberty to do with the estate just as they please, and if creditors are aggrieved or injured they are driven to commence original proceedings in the Courts and prosecute at their own expense, while the assignees have the entire estate of the bankrupt to back them in the employment of lawyers and the payment of costs. Under the Code the assignees of TEMPLE & WORKMAN are entitled to the same commission as executors and guardians (see code of civil procedure, section 1,618), which are as follows:

On first \$1,000.....	7 per cent.
On first \$1,000.....	500.00
On all sums above \$1,000 and not exceeding \$10,000.....	3 1/2 "
On all sums over \$10,000.....	4 "

In addition to this they are allowed all necessary expenses in the care and management of the estate. Suppose the assignees of TEMPLE & WORKMAN collect on the estate the sum of \$800,000, their fees and expenses will be about as follows:

On first \$1,000 at 7 per cent.....	\$ 70.00
On first \$1,000 at 5 per cent.....	500.00
On all sums above \$1,000 and not exceeding \$10,000.....	31,250.00
Cost and expense of management.....	20,000.00
Fees of ten lawyers for say two years at \$200 per lawyer.....	40,000.00

Total.....\$112,120.00

Under the Bankrupt Law the cost of collecting \$800,000 would foot up about as follows:

On first \$1,000 at 5 per cent.....	\$ 50.00
On first \$1,000 at 1 per cent.....	100.00
On \$780,000 at 1 per cent.....	7,800.00
Expense and cost of management.....	5,000.00
Clerk's fees, large estimate.....	500.00
Register's fees.....	1,000.00
Marshals' fees.....	1,000.00
Lawyers' fees.....	5,000.00

Total.....\$20,500.00

These figures are worth the study of the creditors of the bank of TEMPLE

& WORKMAN. They show the cost of settling the estate by the process insisted upon by the Express and other debtors of the concern and how it would be settled in the Bankrupt Court. It will be seen that if the bank's business is closed up by the Bankruptcy Court the creditors will receive nearly one hundred thousand dollars more money than if the estate is left in the hands of the assignees.

Death of a Good Man.

Mr. E. A. PHELPS, locating engineer of the Southern Pacific Railroad Company, who died in Arizona a few days ago, leaves many sorrowing friends in this city and throughout California. He stood at the head of his profession, and by his death Chief Engineer GRAY has lost his most valuable locating assistant. He met his death in the discharge of his duty. He had gone forward as locating engineer of the Southern Pacific Railroad, and after marking the course of the iron rail far into Arizona, he was stricken down and fell as heroes always fall—at his post in the discharge of his duty. Socially Mr. PHELPS was esteemed by all. His quiet demeanor and gentlemanly deportment won him the friendship of all with whom he was thrown in company. He rests from his labors. The intelligence that guided the locomotive through the tortuous pass, along the rugged mountain side and over the desert plain has flown from earth. After "life's fitful fever" may he rest in peace.

The Celebration of the San Gabriel Orange Grove Association.

Yesterday we received a very kind invitation from Mr. D. M. Berry to attend the celebration of the dividing of the land at Pasadena, also having a seat in his carriage at our disposal, we took our place about 9 o'clock and started. The first thing which attracted our attention was the fine building being erected by the Los Angeles Furniture Company on the Desnoyers tract, near San Fernando street. Passing along at a good pace everything seemed familiar until we got to the crossing of the Arroyo Seco, where things looked a good deal as if that little creek had been turning everything to suit itself without a thought as to the convenience of passers along the road. We soon arrived at the land of the generally known "Indiana Colony." Being a little late we whipped up the horses and soon caught up to the procession which was passing around the grounds of the company. Some of the finest land in California lies in that district, and it is wonderful to see what skillful labor will do in a short time in this climate. About 12 o'clock Judge Eaton was nominated President of the day, and made some very appropriate remarks. The Judge was the first settler on the ranch and only had two neighbors until within the last two or three years. Dr. Elliott followed with a historical statement of that part of the county. He says that two years ago there had been nothing done at all. The first company was formed in 1873, but on the 1st of January, 1874, by Cook & Co. the whole thing died, but was afterward resurrected by Mr. Berry, Mr. Fletcher, Judge Eaton and Mr. Croft, who have nobly kept up their part to make it a success. Within the last eighteen months over forty families have settled there, and it is already quite a settlement. Within that time they have set out 10,147 lemon, lime and orange trees, and also 7,000 deciduous trees besides. This does not count the nursery which contains over 300,000 in fine condition. Mr. Fletcher was the next speaker, and after some very flowery comparisons with European scenes, introduced Mr. Berry who, with a solemn face, said several things that were pretty dry and humorous, and then explained how the lands were divided up so that each man could pick out just what he wanted. He then proceeded to read the following poem, which was heard with much pleasure by all:

Coming down along the ages,
Through millenniums of years,
This charming land of beauty
Which none the vision cheers,
We're waiting for our advent,
For our destined hour to come,
For our busy hands to labor—
Our indomitable will.
And the rugged, ancient landmarks,
Which show in many a place,
Attest the former presence
Of a prehistoric race.
How they lived and how they labored,
And how they died and how they labored,
May never reach our knowledge
From the records of the past;
But we must admire the judgment
Of this unremembered race,
That chose this home of beauty
For their former dwelling place.
And how, too, that wise Providence
That moved them from the spot,
And left the way all open
For our happy chosen lot—
But, back of all earth's races,
When time's record first began,
The spirit of the fair valley
Before it moved the man,
And now sound science tells us
Our whole great solid earth
And all the planets round her
In water had their birth.
Though the brinks of the San Gabriel
Yet the soil of this fair valley
Greater riches doth unfold—
And the dry and thirsty acres
Wait the resurrecting hand
When the life producing water
Write resurgance on the land;
Then along the sunny hillside,
From the richly clustering vine,
Behold the hand of Providence
Change water into wine.
With song and praise and gladness
We hail this water power,
And celebrate her coming
At this auspicious hour.
We chant the praise of water,
Whose floating, cloud-spread banner
Shall never more be furled;
But over all the nation
Her blessing shall extend
In beauty and in glory.
In history shall she live
So great and vast her uses,
In earth and sea and sky,
We may so learn to love her
As to drink her by and by.

Mr. Clarkson was the next speaker, and was followed by Col. Godfrey, who must have been either hungry or dry,

and looked on the facetious side, for he illustrated by telling a story about a very eloquent clergyman, whose regular weekly allowance was one gallon of New England rum.

He was followed by Judge Eaton, who said that they could raise finer babies and more of them than any place in the world.

Thus ended the oratory, and the ladies commenced to lay out a very fine lunch, which was soon disappearing by the efforts of a jolly, good natured and hungry crowd of about two hundred people. All kinds of cake and "fixings," sandwiches, oranges, nuts, etc. We also had the pleasure of tasting a fine salad prepared by Mrs. Iosensbaum, which is called the Centennial salad, as it is made from one hundred articles.

Judge Eaton was well prepared for his friends by a demijohn of some of the finest native wine we ever drank, and if age won't make it equal to anything from foreign countries we are greatly mistaken.

All had a fine time, and we think it just about as near a complete success as anybody could get. Fred Gilmore organized a base ball club, and all had a chance to show their muscle.

Among the leading gentlemen of the Association present were Messrs. Eaton, Croft, Clapp, Banbury, Bennett, Fletcher, Elliott, Bristol, Porter, Green and Lippincott.

Latest Telegrams.

Dispatches of American Press Association by A. & P. Telegraph Co.

[SPECIAL TO THE HERALD.]

PACIFIC COAST.

The Great Four Mile Race—Foster Wins the Race and Purse in Two Straight Heats.

SAN FRANCISCO, Feb. 23.—In the great race this afternoon at 2 P. M. the horses were called up and the riders weighed.

Kate Pease first, Rutherford second, Foster third, Hock Hockings fourth, Chance fifth, Revenue Jr., sixth, Golden Gate seventh.

2:35 P. M.—Jockeys mounting their respective horses.

2:55 P. M.—Word to go given—Hockings leading.

Heat won by Foster, Rutherford second. All the others distanced. Time, first mile, 2:02; second mile, 1:53; third mile, 1:52; fourth mile 1:50.

There is some dissatisfaction at the shutting out of Hock Hockings, who is generally believed to be withstanding the distance pole when Foster passed under the string. Thad Stevens will be sold at auction on the track. The greatest excitement prevails now that Hock is distanced. The result now lies between Rutherford and Foster. The riders of Rutherford and Foster have been called to the Judges' stand. Pools are selling on Foster at \$500. On Rutherford, \$450. Foster wins first heat; time, 7:28.

Four o'clock P. M.—Horses started for the second heat. Foster won, and wins second heat in 7:53, and the race.

The great four-mile race has come and is a thing of the past, leaving more than the usual number of grumblers, and it will be long before another of the same kind will be run in this city. The day was everything that could be desired, which brought out the largest assemblage San Francisco ever turned out to witness any race, though the sight-seers outside outnumbered those inside the track three to one. At 2:30 the horses were called up and by 2:45 were in position. Three false starts were made, owing to the impatient action of the crowd. Gate and one of two others getting good position and starting off too far in advance, with the fourth trial the bell was rung, with Hock Hockings, Golden Gate and Chance slightly in the lead. The three kept ahead till the last three hundred yards, when Foster and one of two others getting good position and starting off too far in advance, with the fourth trial the bell was rung, with Hock Hockings, Golden Gate and Chance slightly in the lead. 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